

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JS 5785

(Inmate Number)

Jame Brockington

(Name of Plaintiff)

301 morea Road

(Address of Plaintiff)

Frockvill PA 17932

3:12-cv-482

(Case Number)

COMPLAINT

vs.

Cowishenfsky-msDesanti

ms. Heenan-ms. tobias-Kerestes

Robin M. Lewis-CoI Brown-CoI

(Names of Defendants) I cannot read the Co Signature of this CoI

FILED
SCRANTON

MAR 16 2012

PER [Signature]
DEPUTY CLERK

TO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS

☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. Previous Lawsuits

- A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

II. Exhaustion of Administrative Remedies

- A. Is there a grievance procedure available at your institution?

☒ Yes ☐ No

- B. Have you filed a grievance concerning the facts relating to this complaint?

☐ Yes ☒ No

If your answer is no, explain why not Because a misconduct was ~~to~~ wrote so that blocked me being able to file a grievance on this situation

- C. Is the grievance process completed? ☐ Yes ☒ No

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

- A. Defendant Wishnefsky COI is employed
as Correctional officer 1 at SCI - Mahanoy
- B. Additional defendants Program Review Committee - m.s. ~~Desanti~~ Desanti
ms. Heenan - ms. Tobias - Superintendent Kerestes -
Chief Hearing Examiner Robin m. Lewis - Pennsylvania
Department of Corrections - COI Brown - COI I cannot read
the signature of this
COI

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. on 1-29-012 at or around - 6:08 am or 6:30 am in between the
two times - after Co's Cain and Adams Passed out Breakfast
trays on the bottom range which I was on - after Co Cain and
Adams Put my tray in the Box that on the cell I was in - they
2. open the side silder so I can get my tray out the Box and
they leave the side silder open and move to the next cell - a
little while later after the two Co's Put my tray in the Box -
Co Wishnefsky walks on the Pod - Go in the staff office on
3. the Pod - Comes back out with a Clip board and walks over to
H-D-1 Cell and ask that Person Do he want to Sign up for
yard - that Person say Co today Sunday ain't no yard -
then other People on the Pod I don't know who - But they
Started yelling things at Co Wishnefsky I don't really

IV. Statement of Claim

remember Azackley what People was yelling - I was standing at my cell door just looking not saying anything - Co Wishnefsky started yelling things back at People - then Co Wishnefsky walks back in the staff officer that's on the Pod - walks back out and stands there - People on the Pod are still yelling things at ~~Co Wishnefsky~~ Co Wishnefsky - then Co Wishnefsky looks toward my side of the Pod - and say you got something smart to say I cell - I was in 11 cell at the time - and Co Wishnefsky say what Did you say - I said I didn't say nothing to you - Co Wishnefsky walks up to my cell start saying things at the same time reading my name tag on the cell door start saying Brockington JS I know you look down at the Box on the cell door tries to open the Box from the top - I reach in the Box with my left hand to take my tray out the Box - Because I never took my tray out the Box when Co's Adams and Cain put my tray in the Box - But Co Wishnefsky see me reaching in the Box and slams the side part slider of the Box close slamming my hand in the slot - I start yelling you fucking white Dickhead my fucking hand y fucking hunkey - Co Wishnefsky kept slamming the slot on my hand more times all together slamming my hand in the slot at least four times but I'm thinking really seven - after Co Wishnefsky stop slamming my hand in the slot and calling me niggers and punching my cell glass and calling H-D-10 Cell niggers and yelling at other People on the Pod calling them outta their names after he done acting crazy and like he was high - Co Wishnefsky walked off the Pod - a little while later Co Davis came on the Pod and was about to collect the

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I V. Statement of Claim

I Call Co Davis to my Cell Door — and told Co Davis my hand is Fucked up and I need to see medical and I showed Co Davis my hand — Co Davis tell me to Push The bottom and tell them — I told Co Davis I Did somebody up there told me or the Call box — FUCK you nigger hang your self — Co Davis said OK I'll go tell Sargent Johnson right now and Co Davis leave off the Pod — a while later Co Wishnefsky Come back on the Pod still Acting Crazy and high still Cussing at me 10 Cell 18 Cell and somebody else on the top — Sargent Johnson Comes round with the nurse — I tell Sargent Johnson and the nurse I need my hand checked out and showed Both People my hand — after medical on Co-2 Shift Come don't Do nothing for my hand and leave — Shift Change to 2-10 Shift — a Captain Comes round I Call the Captain to my Cell Door show the Captain my hand and let the Captain know I Wanna report a ~~to~~ abuse allegation — the Captain let me know he'll Do what's needed to be done so I can report my abuse Allegation — A hour or so late I get a misconduct — misconduct from Co Wishnefsky — misconduct number and Date and time of incident — number A799011 — Date 1-29-012 — time of incident 0620 — which nobody I appealed my misconduct to never even checked the Security Camera Footage of the time Co Wishnefsky said he saw me Punching the Cell Door while he was Passing out trays — But Co Wishnefsky saying on the misconduct that while he was Passing out Breakfast trays on H-D-~~1800~~ Block he saw me Punching my cell Door and wicket with a Closed fist and he gave me a order to stop and Kept Punching

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IV. Statement of Claim

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my cell door and wicket - The whole misconduct Co wishnefsky wrote was a lie from start to end - after I told the Captain I went to report a abuse allegation and after I got the misconduct Co wishnefsky lied on - Lieutenant Smith from security came and pulled me out my cell took my statement about Co wishnefsky slamming my hand in the slot. I let Lieutenant Smith know I have witnesses that seen and heard everything Co wishnefsky done and said to me - my witnesses are - Moore - JX 4967 - Kellam HJ 8134 - Petty CL 1248 - Ingram JX 4020 - Johnson CB 2946 - Lieutenant Smith took pictures of my hand and also let me know that it's security camera footage of the incident and after he's done with me he's go to go look at the whole incident on camera and E-mail security Captain Dashco letting him know about the whole incident on 1-29-02 I wrote request ~~slips~~ slips to the following people reporting that I got my hand slammed in the slot by Co wishnefsky - Superintendent Kerestes - Deputy Beggs - security Captain Dashco - on 1-30-02 I wrote a request slip to SC Imahony hearing examiner letting that person know I received a misconduct on 1-29-02 and I went to go to my misconduct hearing and staff have lied on me in the pass lying talking about I refused to go to my misconduct hearing and I refused to sign a refusal - when I actually never refused to go to my misconduct hearing or never refused to ~~sign~~ sign a refusal - and I also let the hearing examiner know on the request slip - that I will follow all orders and

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I V. Statement of Claim

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not act out in no kind of way so I won't be able to be at my misconduct hearing - on 1-31-012 security Captain Dashco calls me over to his office I write my statement down of the incident with Co Wishnefsky slamming my hand in the slot - I let security Captain Dashco know Co Wishnefsky wrote me up on a misconduct lying on the whole misconduct - saying my hand got damaged from me punching my door and wicket - I asked Captain Dashco being enough Co Wishnefsky slammed my hand in the slot and you are to thoroughly investigate my abuse allegation - ain't that misconduct that Co Wishnefsky wrote part of the investigation - Because it would make sense that it would be part of the investigation - Security Captain Dashco said yes and he'll talk to the hearing examiner his ~~self~~ self and let that person know to put put that misconduct Co Wishnefsky wrote on hold till he's done doing his investigation on the whole incident - I asked security Captain ~~dash~~ Dashco will the security camera footage be held and looked - and security Captain Dashco told me yes and he had to get a case number for my investigation from Central Office of the DOC Per - Policy DC ADM 201 Abuse Allegation - on 1-29-012 at 2302 hours I got signed and submitted a inmate request for representation and witness form - DC-141-Part 2A - ~~the inmate request~~ the request for representation and witness form DC-141-Part 2A was part of the misconduct Co Wishnefsky wrote and lied on me 1-29-012 - I requested assistance from - H-D Pod

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IV. Statement of Claim

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Security monitors - from time 6:10 am til 7:30 am Proving my innocents on 1-29-012 that Co's Cain and Adams these officers Passed out breakfast trays in which Policy Prohibits black officers Passing out Breakfast trays - This is why Co's Cain and Adams was Passing out Breakfast trays - and I Put Co's Cain and Adams down as witnesses so they could tell the hearing examiner that they were the officers that Passed out Breakfast trays 1-29-012 and not Co Wishnesky - on 2-3-012 I was lied on by the hearing officers - Co Brown and the Co I. I Can't read his or her signature that's down on the the refusal form as a witness that that Person witnessed me Refuse my ~~hear~~ hearing and Refuse to sign the Refusal - I never told either hearing officer I Do not want to go to my misconduct hearing these two hearing officers never asked me anything - when these two hearing officers walked on the Pod one walked some what all the way on the Pod and the other one walked to the Pod office door and turned right back around and left off the Pod it took these two hearing officers like 30 seconds ~~at~~ altogether on and off the Pod - and I have two witnesses that these two hearing officers never asked me anything and they never came to my cell door - my witnesses are Kellam HJ8134 and Kellam received a misconduct on 2-8-012 misconduct number A799023 and on 2-13-012 the same two hearing officers who lied on me and said I refused my misconduct hearing - these same two hearing officers Do the same thing to Kellam - lied on Kellam HJ8134 in retaliation for being down as my

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IV. Statement of Claim

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witness on my ~~appeal~~ misconduct appeal that the two hearing officers lied on me and said I refused my misconduct hearing and my other witness is Johnson to B2946. Both of my witnesses is on the other side of the Pod and can see my cell clearly and see the Pod Door clearly - and they both was standing at their cell doors the second these two hearing officers walked through the Pod Door - and on my misconduct appeal I also asked for the Program Review Committee to hold and look at security camera footage of H-D-Pod on 2-3-012 at around 11:30am or 1:00pm this footage will support that these two hearing officers lied on me - none of the staff in my appeal process did nothing or even looked into the claims I stated on all of my appeals - I never received a fair chance at my misconduct hearing - Because I was lied on by the hearing officers - so I never even made it to my misconduct hearing - then in my ~~appeal~~ misconduct appeals nobody ever attempted to correct the wrong these two hearing officers have done - and all I asked for was to have my misconduct hearing because I was lied on by the two hearing officers - I never refused my misconduct hearing and I never refused to sign a Refusal - This whole incident is on tape - and by that SCIMANOY knew that Cowishnefsky never passed out breakfast trays on 1-29-012 and Cowishnefsky did in fact slam my hand in the tray slot - and he did in fact lie on a misconduct he wrote on me lying saying how my hand got damaged was from me punching my cell door and wicket - When my hand got

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IV. statement of Claim

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Damaged from Co wishnefsky Slaming my hand in the slot — So what Did Captain Dashco investigate — nothing — all the named Defendants Covered up the fact Co wishnefsky Assauided me and then lied on official Paper work a misconduct — and this whole incident on 1-29-02 is on tape and ~~no~~ SCI mahany have the tape — But they didn't correct anything — the D.O.C. only use the security camera when it's Proving inmates to be wrong of something only ~~no~~ inmates — the D.O.C. won't use security cameras to Prove there own staff to be wrong — that's very clear Because if they Did Co wishnefsky woulda gotten in ~~too~~ trouble for Slaming my hand in the slot and lying on me on a misconduct — I Did not at all receive a fair Chance dealing with this incident from the D.O.C.

Date 3-12-02 Jameel Bracking JS5785

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. I would like for the Courts to give me a fair hearing in the finding of facts in this whole situation - meaning - look at the security camera footage from 1-29-012 at or around 6:08am or 6:30am on H-D-Pod here at SCI Mohanoy - and call my witnesses
2. moore JX4967 - Kellam HJ 8134 - Petty CL1248 - Ingram JX4020 - Johnson GB2946 - ~~and others~~ so the Courts can see and hear that Colwishnesky lied about him passing out breakfast trays and lied about me punching my cell door and wicket - when in fact Colwishnesky slammed my hand in the slot - I would for the Courts to look at the pictures Lieutenant Smith took of my hand on 1-29-012 and the nurses on 2-10 shift - I want the Courts to make →
look on nex Page to see relief
- 3.

Signed this 3-12-12 day of 3-12-12

Jameel Brackington
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

3-12-012
(Date)

Jameel Brackington
(Signature of Plaintiff)

V. relief

(2)

Wishnefsky to Pay me for slamming my hand in the tray slot at
se four times But im Thinking more like Seven Causing my hand
be damaged and for lying on a misconduct - I want Co
shnefsky to Pay me \$50,000 dollars - and for the two hearing
Officers - I would like for the Courts to look at security Camera
stage on H-D-Pod at or around 11:30 am or 1:00 am on 2-3-06
3 Call my witnesses so the Courts could see and hear that the
2 hearing officers have lied to by saying I refused my
conduct hearing and I refused to sign a refusal - ~~and~~ my
2 witnesses are Kellam HT8134 and Johnson CB2946 - when
fact I never refused my misconduct hearing and never refused
sign a refusal - I want the Courts to make the two hearing
Officers Pay me 10,000 dollars a Piece for lying on me and
telling me go to my misconduct hearing - and for the Program
view Committee staff and Superintendent and Chief
aring Examiner not giving me a fair appeals and covering up
2 Wishnefsky lying misconduct he wrote on me and covering up
2 two hearing officers lies and then not giving me a fair
ance ~~at~~ being at my hearing - so I could a Proved I
wer Done what Co Wishnefsky lie and said I Done and I
35 innocent of Co Wishnefsky lying misconduct - I want the
~~and~~ Courts to make them Pay me 10,000 a Piece -
4 I want the hearing examiners to be the one that go to
30pe Doors that received misconducts and ask them herself
the People want to go to their misconduct hearing so in the
ture People being lied on by other staff that don't like them
r whatever won't happen - and I would like for the

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V. relief

(3)

Courts to Press Charges on Co Wishnefsky for
Assault and I want Co Wishnefsky fired from the D.O.C.
all together and the two hearing officers I want them to
be fired to and for all the staff on the Program Review
Committee changed to people that give people a fair
chance at there appeals - and I want the Superintendent
to step down as Superintendent all the way back down to
a COI - and I want the Chief hearing examiner not
be able to be a misconduct hearing examiner ever again

Jamel Brookington
JS5785

Date 3-12-012

**FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS COMPLAINT
UNDER 42 U.S.C. § 1983 or 28 U.S.C. § 1331**

COVER SHEET

THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.

The cost for filing a civil rights complaint is \$350.00.


If you do not have sufficient funds to pay the full filing fee of \$350.00 you need permission to proceed *in forma pauperis*. However, the court will assess and, when funds exist, immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or
- 2) the average monthly balance in your prison account for the past six months.

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20% of the preceding month's deposits credited to your account until the entire filing fee is paid.

CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.

1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of Court along with the full filing fee of \$350.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you DO NOT have to complete the rest of the forms in this packet. Check here if you are submitting the filing fee with the complaint form. ____

2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. § 1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. Check here if you are filing your complaint under 28 U.S.C. § 1915 without full prepayment of fees. 

Please Note: If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS

letter To the Clerk of Courts for
the middle District of Pennsylvania

Hi my name is Jameel Brockington JS5785 I'm
being housed at SCT-mohand - I am
submitting - one ~~whole~~ whole Completed Packet
of ~~Prisoner~~ Prisoner filing a Civil Rights Complaint
under 42 U.S.C. § 1983 or 28 U.S.C. § 1331

and one Packet Application to Proceed
in forma Pauperis

one AuthorizAtion Prisoners Account only
form

and one motion to the Courts for appointment
of Counsel

and I did my very best at completing all the
paperwork I'm very limited on help But if I got to
do it all over again I ~~too~~ will But I hope
the Courts accept my Submitted Papers

Jameel Brockington
3-17-012

JAMIE L BUCKINGTON
JSS785

301 morea Road
frackville PA 17932

no fee enclosed

RECEIVED
SCRANTON

MAR 16 2012

PER  DEPUTY CLERK

Office of the Clerk

United States ~~Bank~~ District Court

Middle District of Pennsylvania

William J. Nealon Federal Bank

235 North Washington Ave

P.O. Box 1148

Scranton PA 18501-1148